THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19761 OF 2005

DATED:8.9.2005

Between:

Velavalapalli Bhavani Sankarakumar

S/o.Kameswara Sarma,

Punari, Sri Someswara Swamy Temple,

Chollangi Agraharam, Tallarevu Mandal

East Godavari District.

…Petitioner

And

The Land Acquisition Officer/

District Collector, E.G.Dist, at Kakinada

and others

…Respondents

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ORDER:

The petitioner is statedly Archaka of Sri Someswara Swamy Temple, Chollangi Agraharam, Tallarevu Mandal, East Godavari District for the last two decades. The District Collector, East Godavari District issued a notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, the Act) proposing to acquire an extent of Acs.4.12 in S.No.102/6 belonging to the temple. Aggrieved by the same, petitioner invoked jurisdiction of this Court.

In a number of cases, this Court has held that when the land belonging to a temple is

acquired for any public purpose, the tenant of the land or Archaka of the land, who is paid salary out of the revenue from the land and who is in possession of the land, has no *locus standi* to question the land acquisition notification. If so advised, Archaka can appear before the Land Acquisition Officer and claim a share in the compensation. However, learned counsel for the petitioner, Sri K.Durga Prasad submits that the petitioner is not being paid salary and amounts for daily rituals for the last two years. This is a grievance which cannot give any cause of action for challenging the notification under the Act, especially after a period of almost two years. The Writ Petition, therefore, cannot be entertained. However, it shall be open to petitioner to approach the Land Acquisition Officer for a share in the compensation, if he is so entitled in law.

The Writ Petition with the above observations is dismissed. No costs.

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(V.V.S.RAO, J)

8.9.2005

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